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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,570	11/09/2001	Ming-Feng Chen	ATT-022AUS	7947
22494	7590	05/28/2004	EXAMINER	
DALY, CROWLEY & MOFFORD, LLP SUITE 101 275 TURNPIKE STREET CANTON, MA 02021-2310			PEREZ, JULIO R	
			ART UNIT	PAPER NUMBER
			2681	

DATE MAILED: 05/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/037,570	CHEN ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Julio R Perez	2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 09 November 2001.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-21 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____.   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2,3,4</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

### ***Double Patenting***

1. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

2. Claims 1-21 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-21 of copending Application No. 09853151. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

3. Claims 1-21 are provisionally rejected under the judicially created doctrine of double patenting over claims 1-21 of copending Application No. 09853151. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows: Both present claims 1-21

and claims 1-21 of copending application (09853151) are identical. Therefore, the present claims 1-21 are rejected under the judiciary doctrine of double patenting.

Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-3 and 5-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Bhatia et al. (20020037709).

Regarding claim 1, Bhatia et al. teach a mobile device server system (Par. 0019, lines 1-5; the system eases the communication exchange between a telecommunications network that serves a wireless communications device and some types of service providers, which in turns processes the monitoring of real-time data information within a telecommunications network) for processing data requests from a variety of mobile device types, comprising: an engine component (Par. 0019, lines 9-10; a business to business engine, which in turn consists of a hardware processor (Fig. 2, ref. 224)); a plurality of interface components communicating with the engine component in a predetermined format, each of the plurality of interface components for providing a respective interface for mobile devices sending data requests (Par. 0019, lines 5-10; the system contains a node that monitors real-time data and sends or reports it to the business to business engine; Par. 0043, lines 1-6; the system indeed includes a wireless service provider to serve a number of users with interfaces to terminals such as cellular phones, PADs, Palm pilots, or other communication devices capable of receiving signals); a plurality of access components communicating with the engine component, each of the plurality of access components for providing an abstract view of a respective information source type based upon the data requests; (0019, lines 12-14; the service provider grants access to a subscriber related to a telecommunication device; Par. 0043, lines 10-14; information or data services such as a weather server, a financial server, an ad server, etc are forwarded.); and a plurality of logic components communicating with the engine component, each of the plurality of logic components for processing information retrieved by the plurality of access components and providing

the processed information to one or more of the plurality of interface components for transmission (Par. 0047, lines 11-19; accordingly, the B2B engine component acquires information associated to a user, for instance, location and or preferences and in turn processes that information. Afterwards, the B2B engine upon receipt of the information status, forwards the data to the content providers; therefore, accomplishing transmission).

Regarding claim 2, Bhatia et al. teach the system, further including a proxy interface for providing a communication interface to the mobile device server (Par. 0043, lines 6-13; the B2B engine contains provider applications that provide information to users anticipatively. Information from a news server, for instance, is sent through link 252 (see Figure 2) to the Internet).

Regarding claim 3, Bhatia et al. teach the system accordingly, wherein the plurality of interface components includes components for supporting protocols selected from the group consisting of supporting interfaces to AIM, ICQ, SMS, XMS, Telnet, HTTP, WAP, SMTP, IMAP, POP3, and IVR (Par. 82, lines 4-7 and Par. 0083, lines 1-7; events are presented to a portal, hence, supporting interfaces; that is using a highly secure HTTP notification message; different modules could be set in several configurations to provide the functions needed by the system; Par. 0087, lines 13-19; there is also included a Wireless Application Protocol within).

Regarding claims 5 and 6, Bhatia et al. teach the system accordingly, wherein the predetermined format includes text for transfers from the plurality of interface components to the engine component (Par. 0045, lines 1-21; the Business to business

engine connected to a serving telecommunications operator communicates data related with certain mobile user to any consumer provider, for instance, a restaurant, weather provider), and accordingly, wherein the predetermined format includes MIME for transfers from the engine component to the plurality of interface components (Par. 0047, lines 13-22; mobile users manually provide, say, location information to Internet content providers).

Regarding claim 7, Bhatia et al. teach the system accordingly, wherein the variety of mobile device types include devices selected from the group consisting of SMS mobile phones, PDA devices, Instant Messaging devices, Email devices, two way pagers, pocket PCs, and AT&T Pocket Net devices (Par. 0043, lines 1-6 and Par. 90, lines 4-10; a number of users are included in the system, cellular phones, PDAs or any wireless communications devices able to receive Radio Frequency signals).

Regarding claim 8, Bhatia et al. teach the system accordingly, wherein the mobile devices can communicate with one or more of CDPD, TDMA, GSM, two way paging, Internet, and email networks (Par. 119, lines 1-9; the B2B engine could communicate with several type of operators, all of different protocols, for instance, PCs operators, DAMPS operators, or GSM operators).

Regarding claim 9, Bhatia et al. teach the system accordingly, further including a logic component for re-directing the processed information to a further device associated with the first mobile device (Par. 0044, lines 1-6; the device 250 (Figure 2, ref. 250) communicates further with associated servers 260, 262, 264, and 266.

Furthermore, a PCS operator may relate certain information to a different, further operator, say a DAMPS operator device).

Regarding claim 10, Bhatia et al. teach the system accordingly, further including a logic component for scheduling an activation and/or response to a data request (Par. 0114, lines 1-19; the business to business passes vents based on the subscriber user preferences and processes the information or event collected; see also Par. 0115, lines 1-10).

6. Claims 11-14, 16, and 19-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Sayers et al. (6542754).

Regarding claim 11, Sayers et al. teach a method for enabling communication between a variety of mobile device types (a communication system that extends over a cellular region consisting of a variety of wireless cells that enable communication among a variety of mobile devices types, which corresponds to the claim limitations (col. 7, lines 22-61)), comprising: receiving a first data request from a first mobile device utilizing a first protocol; receiving a second data request from a second mobile device utilizing a second protocol; formatting the first and second data requests into a predetermined format; processing the first data request to initiate an information exchange between the first mobile device and a first information space associated with a first information source; retrieving requested data for the first data request from the first information source; formatting the retrieved data based upon parameters associated with the first mobile device; and sending the formatted data to the first mobile device using the first protocol. (For instance, email text format or SMS

messages; therefore, exchanging data information in their own formats between both mobile devices).

Regarding claims 12-14, Sayers et al. teach the method accordingly, further including supporting an additional type of mobile device by adding an interface component supporting the additional mobile device type (col. 7, lines 41-46; the system may support several interfaces for different mobile devices to communicate). Sayers et al. further teach the method accordingly, further including supporting an additional type of information space by adding an access component supporting a protocol for accessing the additional type of information space (col. 7, lines 47-61; the system possesses a private base stations (P-BTS), which are connected to a private LAN and therefore enabling standard wireless stations to send and receive data over the LAN). Furthermore, Sayers et al. teach the method accordingly, further including supporting an additional service function by adding a logic component supporting the additional service (col. 9, lines 51-64; the system has the capability for operating with advanced technologies that are not readily available, therefore giving room to new additional service functions).

Regarding claim 16, Sayers et al. teach a method for servicing data requests by a plurality of mobile device types, comprising: receiving a data request from a first mobile device via a respective one of a plurality of interface devlets; formatting the data request to a predetermined format; passing the formatted data request to a let engine; invoking at least one of a plurality of logic applets based upon the data request; invoking a respective one of a plurality of access infolets based upon an information space type

associated with the data request; retrieving raw data from a device corresponding to the information space type; formatting the raw data based upon characteristics of a recipient device specified in the data request; and passing the formatted data to the recipient device via an interface devlet (element or component) supporting the recipient device (Sayers et al. teach a communication system that extends over a cellular region consisting of a variety of wireless cells that enable communication among a variety of mobile devices types, which corresponds to the claim limitations (col. 7, lines 22-61)).

Regarding claim 19, Sayers et al. teach the method accordingly, wherein the characteristics of the recipient device include a size limitation (col. 9, lines 55-60; advanced technologies operate with rates of 384 Kb/s and soon approaching 2 Mb/s, that is for W-CDMA).

Regarding claim 20, Sayers et al. teach the system accordingly, wherein the variety of mobile device types include devices selected from the group consisting of SMS mobile phones, PDA devices, Instant Messaging devices, Email devices, two way pagers, pocket PCs, and AT&T Pocket Net devices (Par. 0043, lines 1-6 and Par. 90, lines 4-10; a number of users are included in the system, cellular phones, PDAs or any wireless communications devices able to receive Radio Frequency signals).

Regarding claim 21, Sayers et al. teach the method accordingly, further including supporting an additional type of mobile device by adding a corresponding interface devlet without altering service logic (col. 9, lines 51-64; adds new technologies without alteration of the system).

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bhatia et al. (20020037709) in view of Ben-Shachar et al. (6209018).

Regarding claim 4, Bhatia et al. teach the system accordingly, wherein the plurality of access components includes components for providing access to information spaces selected from the group of access components consisting of http (Par. 0082, lines 4-5).

Bhatia et al. do not explicitly disclose a component CORBA.

However, the preceding limitation is known in the art of network communications. Ben-Shachar et al. teach a service framework that is implemented on top of a Common Object Request Broker Architecture (CORBA) bus (see Figure 2, ref. 78) to acquire service resources or other services such as Email service, a document service, and more.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to improve upon the system and method for providing access to databases as taught by Bhatia et al. by implementing the system with CORBA objects as taught by Ben-Shachar et al. because it would improve Bhatia et al. system with more access capabilities (Col. 5, lines 36-45 and lines 60-66; the CORBA component forms a group of computer commands to be executed by a computer).

9. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bhatia et al. (20020037709) in view of Sayers et al. (6542754).

Regarding claim 15, Bhatia et al. teach a method for adding new components to a mobile device server having a flexible architecture, comprising: providing an engine component (Par. 0019, lines 1-5; the system eases the communication exchange between a telecommunications network that serves a wireless communications device and some types of service providers, which in turns process the monitoring of real-time data information within a telecommunications network); an engine component (Par. 0019, lines 9-10; a business to business engine, which in turn consists of a hardware processor, Fig. 2, ref. 224); a plurality of interface components communicating with the engine component in a predetermined format, each of the plurality of interface components for providing a respective interface for mobile devices sending data requests (Par. 0019, lines 5-10; the system contains a node that monitors real-time data and sends or reports it to the business to business engine; Par. 0043, lines 1-6; the system indeed includes a wireless service provider to serve a number of users with interfaces to terminal such as cellular, phones, PADs, Palm pilots, or other communication devices capable of receiving signals); a plurality of access components communicating with the engine component, each of the plurality of access components for providing an abstract view of a respective information source type based upon the data requests (Par. 0019, lines 12-14; the service provider grants access to a subscriber related to a telecommunication device; Par. 0043, lines 10-14; information or data is forwarded services such as a weather server, a financial server, an ad server,

etc.); a plurality of logic components communicating with the engine component, each of the plurality of logic components for processing information retrieved by the plurality of access components and providing the processed information to one or more of the plurality of interface components for transmission to the mobile device (Par. 0047, lines 11-19; accordingly, the B2B engine component acquires information associated to a user, for instance, location and or preferences and in turn processes that information. Afterwards, the B2B engine upon receipt of the information status, forwards the data to the content providers; therefore, accomplishing transmission).

Bhatia et al. do not explicitly teach adding a further one of an interface component, access component and a logic component to support a respective mobile device, information source, and process without altering service logic of the mobile device server.

However, the preceding limitation is known in the art of telecommunications. Sayers et al. teach a wireless network that can add new wireless devices not yet available and that operate with advanced technologies (col. 9, lines 51-64). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to improve upon the system as taught by Bhatia et al. by implementing the communications system in order to allow the addition of new wireless components to support and process information without altering the system.

10. Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sayers et al. (6542754) in view Bhatia et al. (20020037709).

Regarding claims 17-18, Sayers et al. teach all the limitations in claim 16.

Sayers et al. do not explicitly disclose the method, further including formatting the data request into text or formatting the raw data request into MIME.

However, the preceding limitations are known in the art of network communications. Bhatia et al. teach a serving telecommunication operator (120) that communicates certain real-time information associated with a user to any content provider such as a restaurant information provider (105), weather information, etc.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to improve upon the system and method to include formatting data as taught by Sayers et al. by implementing the system with formatting capabilities as taught by Bhatia et al. because it would improve Sayers et al. system with formatting data request into text and formatting raw data (Par. 0045, lines 1-21 and par. 0060, 0061, 0062 – 0070).

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the art with respect to methods of communication exchange between networks and server devices.

US Pat. No. 6445921 to Bell	Call establishment for dual mode
US Pat. No. 5978679 to Agre	Wireless telecommunications networks
US Pat. No. 5903832 to Seppanen et al.	Enhanced system capability
US Pat. No. 6223042 to Raffel	Intelligent roaming network

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio R Perez whose telephone number is (703) 305-8637. The examiner can normally be reached on Monday - Friday, 7:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Erika Gary can be reached on (703) 308-0123. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
JP  
5/25/04

  
ERIKA S. SMITH  
PATENT EXAMINER